

214/523

August 10, 2005

Freeborn & Peters LLP

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

AUG 11 2005

**Re: Surface Transportation Board Docket No. AB-682X);
The Los Angeles Junction Railway Company Abandonment of Maywood,
California**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$3,000.00, covering the filing fee. I have yet to receive the affidavit of publication from the *Long Beach Press-Telegram*. I will forward the affidavit of publication once I receive it.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Chicago

Springfield

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the California Public Utilities Commission; the California Department of Transportation; and the Chief of Forest Service, U. S. Department of Agriculture).

Sincerely,



Brian Nettles

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AUG 11 2005

Part of
Public Record

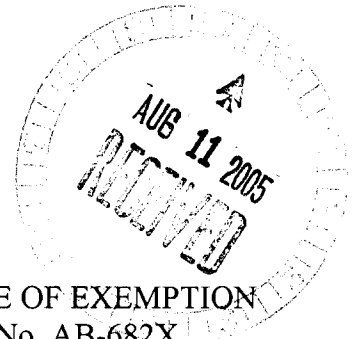
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Enclosures

FILED

AUG 11 2005

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



Abandonment of a line of Railroad
Between LAJ MM 2.21 and LAJ
MM 2.67 in Maywood, Los Angeles
County, California

NOTICE OF EXEMPTION
Docket No. AB-682X

TO THE SURFACE TRANSPORTATION BOARD:

The Los Angeles Junction Railway (LAJ)¹ hereby notifies the Board that it intends to abandon its line of railroad between LAJ MM² 2.21 and MM 2.67 in Maywood, Los Angeles County, California, a total distance of 0.46 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

September 30, 2005

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local

¹ LAJ is a wholly owned subsidiary of BNSF Railway Company.

² MM stands for Mile Marker.

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SURFACE
TRANSPORTATION BOARD

traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The Los Angeles Junction Railway

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

LAJ seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Maywood, California line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Maywood, California line traverses United States Postal Service Zip Code 90270.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right of way may be suitable for use for other public purposes such as a trail. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a long horizontal flourish extending to the right.


Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: August 10, 2005

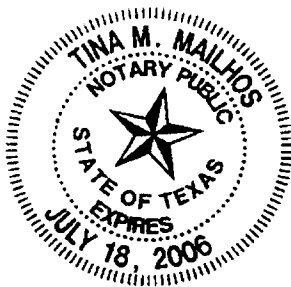
VERIFICATION

STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Network Development in the Network Development department of the BNSF Railway Company, The Los Angeles Junction Railway Company is a BNSF wholly owned subsidiary; and that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-682 (Sub-No. 1X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.


Richard A. Batie
Manager, Network Development

Subscribed and sworn to before me the 10 day of August, 2005.




Notary Public

THE LOS ANGELES JUNCTION RAILWAY COMPANY
NO. AB-682X

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the California Public Utilities Commission; the California Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on July 21, 2005; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on July 21, 2005; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on July 21, 2005; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on August 11, 2005 in the *Long Beach Press Telegram* affidavit of publication is attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: August 10, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between LAJ MM 2.21 and LAJ MM 2.67
In Maywood, Los Angeles County, California

Docket No. AB-682X

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Los Angeles Junction Railway Company (LAJ)¹ in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding LAJ's Notice of Exemption for abandonment of its line between MM² 2.21 to MM 2.67 in Maywood, Los Angeles County, California, a total distance of 0.46 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

LAJ seeks to abandon and discontinue service of the line. This may involve the removal of track materials, bridges and structures. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

¹ LAJ is a wholly owned subsidiary of BNSF Railway Company.

² MM stands for mile marker.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

LAJ believes that the proposed exemption will not be inconsistent with local or regional land use plans. The City of Maywood's Community Development Commission is acquiring a portion the property in question in order to make it part of the San Gabriel River Park Project. See Exhibit B, letter from the City of Maywood.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed exemption should have no effect on prime farmland. The Natural Resources Conservation Service was notified by a letter dated May 5, 2005. See Exhibit C. As of the date of this report, the Natural Resources Conservation Service has not responded directly to that inquiry.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The right-of-way is suitable for alternative public uses. The City of Maywood's Community Development Commission is acquiring the right-

of-way to make it part of the San Gabriel River Park Project. The former railroad line is expected to be an integral part of the park, providing recreational opportunities for thousands of families in Maywood and the surrounding communities. See Exhibit B, letter from the City of Maywood.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

There are no known recoverable energy resources along the line. The line has not been used historically in the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the

reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are two public crossings and no private crossings.

During salvage operations on the line, if any may occur, precautions will

be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

The City of Maywood is acquiring the land involved and has completed a comprehensive environmental assessment. The proposed area to be acquired is sandwiched between the former Pemaco site (a superfund site) on the East and the Precision Arrow and W.W. Henry properties to the West. Thirty three constituents of potential concern have been found on the various parcels including some on the Los Angeles Junction Railway right of way. The City of Maywood plans to rehabilitate and develop the combined parcels totaling 7.3 acres into a park.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

LAJ believes that the proposed exemption will not affect endangered or threatened species or areas designated as critical habitat. The US Fish and

Wildlife Service and the California Department of Fish and Game were notified by letters dated May 5, 2005. See Exhibits D and E. As of the date of this report, neither has responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

LAJ believes the proposed exemption will not affect wildlife sanctuaries or refuges, National or State parks or forests. The nearest units of the California State Park System are approximately six miles away from the project site, and are unlikely to be affected by the half mile long abandonment. See Exhibit F, e-mail from the California Department of Parks and Recreation.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

LAJ believes that the proposed exemption will be consistent with applicable federal, state or local water quality standards. The Los Angeles Regional Water Quality Control Board was notified by a letter dated May 5, 2005. See Exhibit G. As of the date of this report, the Los Angeles Regional Water Quality Control Board has not responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

LAJ believes the proposed exemption will not require a Section 404 permit. Based on the submitted map and aerial photograph, the Army Corps of Engineers has determined that the proposed project is outside the limits of their geographical jurisdiction. Therefore, the project is not subject to their jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required. See Exhibit H, letter from the Army Corps of Engineers.

LAJ believes that the proposed exemption will not affect the 100-year floodplains. The City of Maywood was notified by a letter dated May 5, 2005. See Exhibit I. As of the date of this report, the City of Maywood has not responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

LAJ believes that Section 402 permits will not be required for the proposed action. The Los Angeles Regional Water Quality Control Board was notified by a letter dated May 5, 2005. See Exhibit G. As of the date of this report, the Los Angeles Regional Water Quality Control Board has not responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with LAJ's general practice of requiring its private contractors to comply with all federal, state and local laws

and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a horizontal line underneath.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: August 10, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between LAJ MM 2.21 and LAJ MM 2.67
In Maywood, Los Angeles County, California

Docket No. AB-682X

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Los Angeles Junction Railway (LAJ)¹ in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding LAJ's Notice of Exemption to abandon its line of railroad between MM² 2.21 to MM 2.67 in Maywood, Los Angeles County, California, a total distance of 0.46 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the California State Office of Historic Preservation and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

¹ LAJ is a wholly owned subsidiary of BNSF Railway Company

² MM stands for mile marker.

The Maywood, CA Trackage is located within the City of Maywood, California which had a 2000 population of 28,083. Maywood is located in the suburban area of Los Angeles. The City of Maywood will continue to have rail service following the proposed abandonment. A city park is adjacent to the right of way on the north end of the trackage proposed for abandonment. The right of way is 50 feet wide and is relatively flat.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no historically significant structures that will be removed by this project. The Los Angeles Junction Railway Company and BNSF have no structures in this right of way area. See Exhibit B.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was deeded to The Atchison Topeka & Santa Fe Railway in September 1994. Records prior to that time are incomplete. The Los Angeles Junction Railway Company was incorporated on May 26, 1923 for the stated purpose "to construct, own and operate a railroad" in Los Angeles County, California. Land and railroad right of way were acquired over a period of 60+ years from various grantors.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in LAJ's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of LAJ's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The California State Office of Historic Preservation states that the undertaking, as presently proposed, will affect no historic properties. See Exhibit J, letter from the California State Office of Historic Preservation.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

LAJ is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a horizontal line underneath.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: August 10, 2005

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The BNSF Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on July 21, 2005, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Dr. Knox Mellon
State Historic Preservation Officer
California State Office of Historic
Preservation
1416 9th Street, Room 1442-7
Sacramento, CA 95814

Bureau of Land Management
California State Office
2800 Cottage Way, Suite W-1834
Sacramento, CA 95825-1886

B. Noah Tilghman
Senior Park and Recreation Specialist
Natural Resources Division
California Dept. of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

Los Angeles County Board of Supervisors
500 W. Temple Street Ste. 525
Hall of Administration
Los Angeles, CA 90012-2713

Edward Ahrens
Chief Administrative Officer
City of Maywood
4319 E. Slauson Ave.
Maywood, CA. 90270

City of Maywood Department of
Building and Planning
4319 E. Slauson Ave.
Maywood, CA 90270

Chief, Division of Endangered Species
U.S. Fish and Wildlife Service
911 NE 11th Ave
Portland, OR 97232

Carlsbad Fish & Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

California Department of Fish and Game
Habitat Conservation Planning Branch
1416 Ninth Street
Sacramento, California 95814

Natural Resources Conservation Service
Lancaster Service Center
44811 N Date Ave
Lancaster, CA 93534-3136

Antal Szijj
Acting Chief, North Coast Section
Regulatory Branch
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles CA 90053-2325

Xavier Swamikannu
Los Angeles Regional Water Quality
Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-2343

U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA, 94105

California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102-3298

Richard Snay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20910

Chuck Bell
State Conservationist
Natural Resources Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

California Department of Transportation
P.O. Box 942873
Sacramento, CA 94273-0001

Regional Director
National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

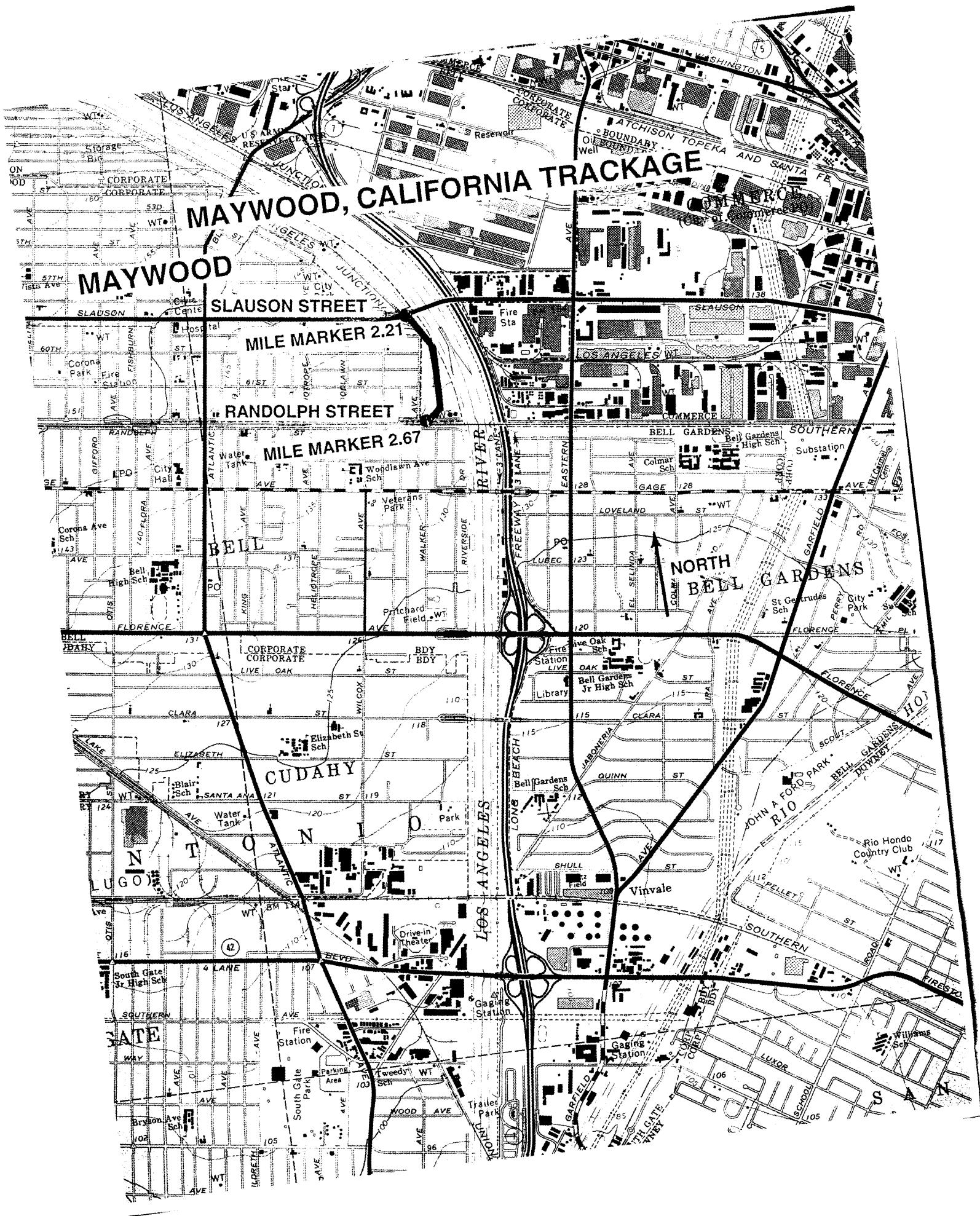
The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: August 10, 2005

A



B



City of Maywood

4319 East Slauson Avenue • Maywood, California 90270
Tel: (323) 562-5700 • Fax (323) 773-2806

May 16, 2005

311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677
Attn: Brian Nettles

Dear Mr. Nettles,


The City of Maywood fully supports the Los Angeles Junction Railway Company's abandonment of the proposed 0.46 of railroad line between M.P. 2.21 to M.P. 2.67.

As you know, the City's Community Development Commission is purchasing the property in question in order to make it a part of the San Gabriel River Park Project. Abandonment of the Railroad line is crucial to that endeavor. We expect the former railroad line to be and integral part of the park, providing recreational opportunities for to the thousands of families in Maywood and surrounding communities.

Finally, no historically significant structures will be removed by this project. In fact, the Los Angeles Junction Railway Company and BNSF have no structures in this right of way area and are therefore not abandoning any structures at all.

Thank you for your anticipated cooperation in abandoning this unused rail spur and facilitating the park use of this property.

Sincerely,
CITY OF MAYWOOD


Edward W. Ahrens
Chief Administrative Officer

C

Freeborn & Peters LLP

May 5, 2005

Natural Resources Conservation Service
Lancaster Service Center
44811 N Date Ave
Lancaster, CA 93534-3136

*Re: The Los Angeles Junction Railway Company Abandonment of Maywood,
California*

Attorneys at Law

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Brian Nettles
Paralegal
Direct 312.360.6336
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bnettl@
freebornpeters.com

Chicago

Springfield

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information by June 5, 2005. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

D

Freeborn & Peters LLP

May 5, 2005

Chief, Division of Endangered Species
U.S. Fish and Wildlife Service
Eastside Federal Complex
911 N.E. 11th Ave.
Portland, OR 97232-4181

**Re: *The Los Angeles Junction Railway Company Abandonment of Maywood,
California***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2005. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

E

Freeborn & Peters LLP

May 5, 2005

California Department of Fish and Game
Habitat Conservation Planning Branch
1416 Ninth Street
Sacramento, California 95814

**Re: *The Los Angeles Junction Railway Company Abandonment of Maywood,
California***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
50606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
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Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

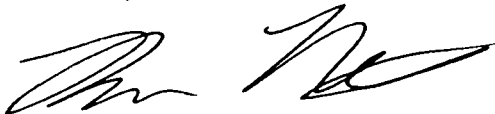
As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2005. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

F

Nettles, Brian

From: Noah Tilghman [ntilg@parks.ca.gov]
Sent: Wednesday, May 11, 2005 10:27 AM
To: Nettles, Brian
Cc: Suzanne Goode
Subject: Los Angeles Junction Railway Co. Abandonment, Maywood

Mr. Nettles,

Your May 5, letter inquires whether there may be any State Parks in proximity to your rail line abandonment project near the Los Angeles River in Maywood, California.

The nearest units of the California State Park System are approximately six miles distance from your project site, and unlikely to be impacted by your half mile long abandonment.

Regarding other wildlife sanctuaries, refuges, national parks or national forests, I suggest that you contact the California Department of Fish and Game, National Park Service, US Forest Service, and US Fish and Wildlife Service directly.

B. Noah Tilghman
Senior Park and Recreation Specialist
Natural Resources Division
California Department of Parks and Recreation
(916) 653-3460

G

Freeborn & Peters LLP

May 5, 2005

Xavier Swamikannu
Los Angeles Regional Water Quality Control
Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-2343

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
50606-6677
Tel 312.360.6000

Brian Nettles
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freebornpeters.com

Chicago

Springfield

**Re: *The Los Angeles Junction Railway Company Abandonment of Maywood,
California***

Dear Mr. Swamikannu:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

May 23, 2005

Office of the Chief
Regulatory Branch

Mr. Brian Nettles
311 South Wacker Drive
Chicago, Illinois 60606

Dear Mr. Nettles:

Reference is made to your jurisdictional determination request (No. 200501389-KW) dated May 5, 2005, regarding the abandonment of 0.46 miles of rail line between M.P. 2.21 and M.P. 2.67, adjacent to the Los Angeles River in Maywood, Los Angeles County, California (see enclosed map).

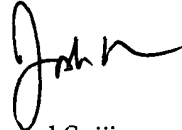
Based on the submitted map and aerial photograph, we have determined that your proposed project is located outside the limits of our geographical jurisdiction. Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33 CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information, please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

Please be aware that our determination does not preclude the need to comply with Section 13260 of the California Water Code (Porter/Cologne) and we recommend that you contact the California Regional Water Quality Control Board to insure compliance with the above regulations. Furthermore, our determination does not obviate the need to obtain other Federal, state, or local authorizations required by law.

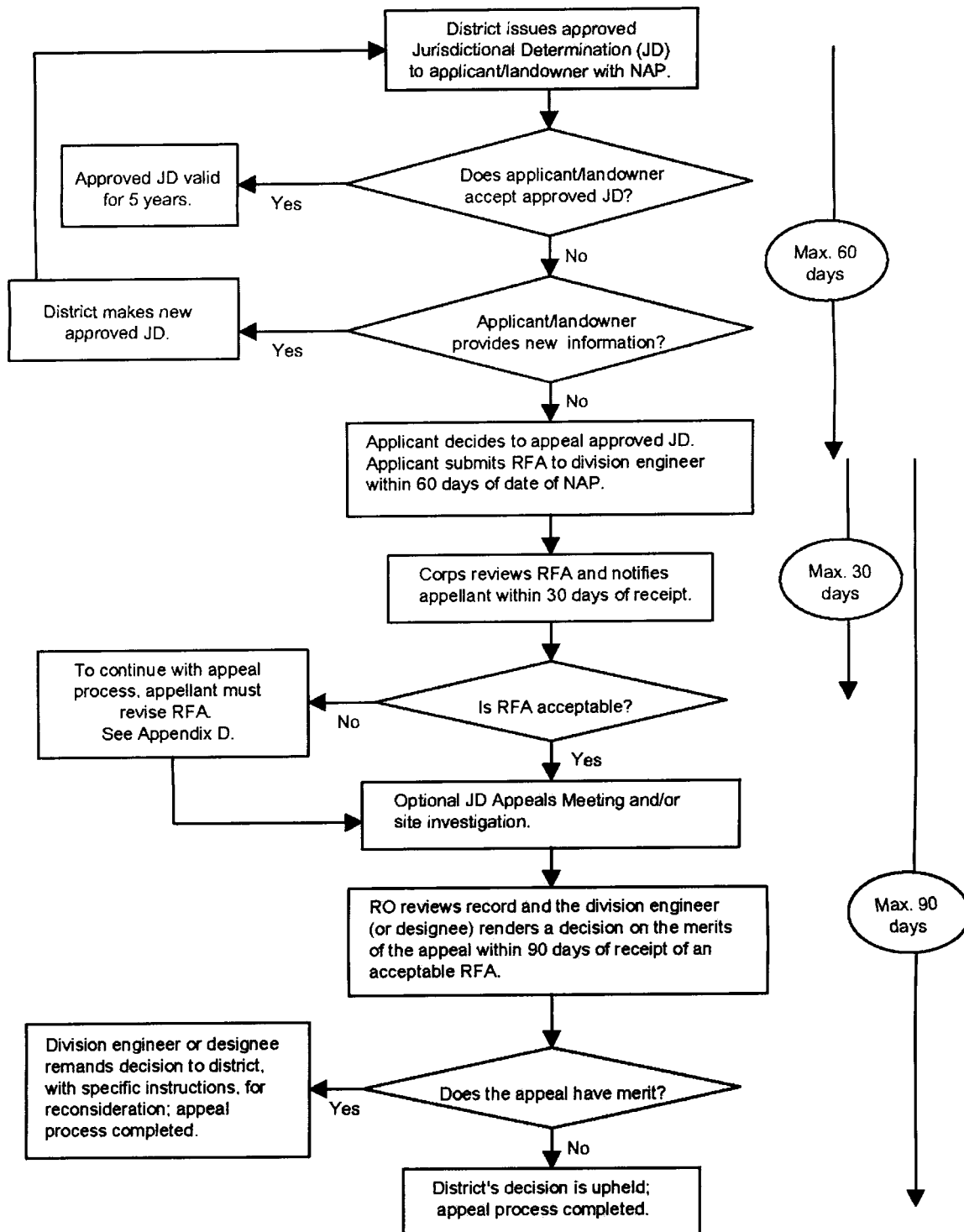
If you have any questions, please contact Kenneth Wong of my staff at (213) 452-3290.

Sincerely,

A handwritten signature in black ink, appearing to read 'Antal Szijj', with a stylized, cursive script.

Antal Szijj
Acting Chief, North Coast Section
Regulatory Branch

Administrative Appeal Process for Approved Jurisdictional Determinations



Applicant: Brian Nettles		File Number: 200501389-KW	Date: 5/23/05
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/mc/functions/cw/ccawo/reg/or> Corps regulations at 33 CFR Part 33 I.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the DISTRICT engineer. Your objections must be received by the DISTRICT engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the DISTRICT engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION (not district) engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION (not district) engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION engineer within 60 days of the date of this notice.
- **EXCEPTION:** Appeals of Approved Jurisdictional Determinations based on new information must be submitted to the DISTRICT engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL OF PROFFERED PERMIT, PERMIT DENIAL, OR APPROVED
IN TO DIVISION ENGINEER or SUBMITTAL OF OBJECTIONS TO AN INITIAL PROFFERED
PERMIT OR NEW INFORMATION FOR APPEAL OF APPROVED PERMIT DETERMINATION
TO DISTRICT ENGINEER**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:

DISTRICT ENGINEER

Los Angeles District, Corps of Engineers

Attn: Regulatory Branch

P.O. Box 532711 Los Angeles, CA 90053 (213-452-3425)

If you only have questions regarding the appeal process you may also contact:

DIVISION ENGINEER

Army Engineer Division, South Pacific, CESPD-CM-O

Attn: Doug Pomeroy, Administrative Appeal Review Officer

333 Market Street, San Francisco, CA 94015 (415-977-8035)

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

MAYWOOD, CALIFORNIA TRACKAGE

MAYWOOD

SLAUSON STREET

MILE MARKER 2.21

RANDOLPH STREET

MILE MARKER 2.67

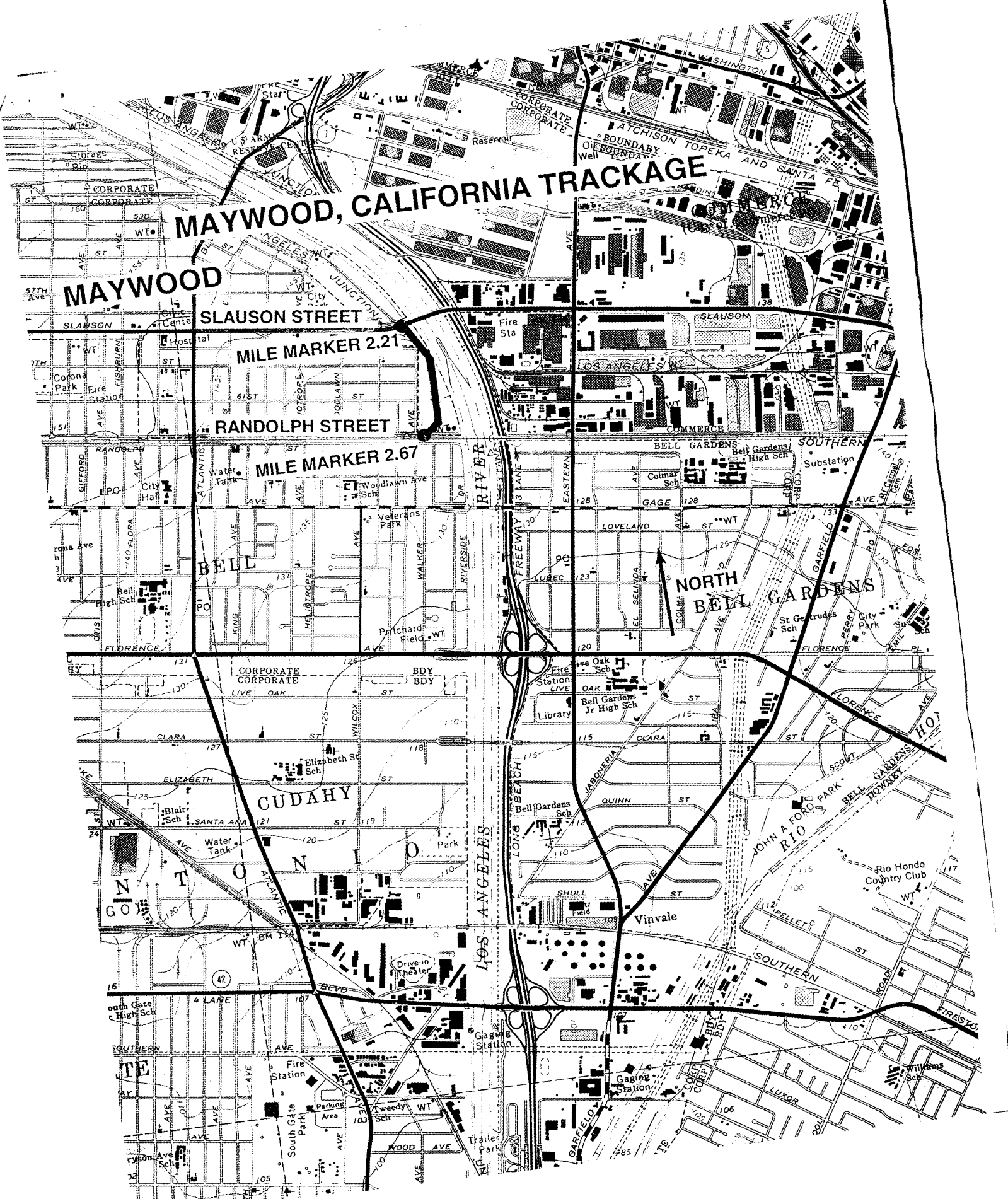
LOS ANGELES RIVER

NORTH BELL GARDENS

CUDAHY

GOVERNMENT

TE



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Freeborn & Peters LLP

May 5, 2005

City of Maywood Department of Building
and Planning
4319 E. Slauson Ave.
Maywood, CA 90270

**Re: *The Los Angeles Junction Railway Company Abandonment of Maywood,
California***

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & ½ by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2005. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Attorneys at Law

111 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@freebornpeters.com

Chicago

Springfield

J

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



August 4, 2005

In reply refer to: STB050503A

Michael A. Smith
Senior Counsel
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE: Abandonment exemption for railroad line from railroad milepost 2.21 to railroad milepost 2.67 in Maywood, CA.

Dear Mr. Smith:

Thank you for your July 21, 2005 letter providing additional information on the above referenced undertaking. The BNSF Railway Company (BNSF), on behalf of the Surface Transportation Board (STB) continues consultation with me pursuant to the National Historic Preservation Act (16 U.S.C. 470f), as amended, and its implementing regulations found at 36 CFR Part 800. The Surface Transportation Board (STB) is proposing to issue an exemption to abandon its line of railroad from railroad milepost 2.21 to railroad milepost 2.67 in Maywood, Los Angeles County, California, a distance of .046 miles.

Based on the information submitted, I concur with BNSF, on behalf of the STB, pursuant to 36 CFR § 800.4(d)(1), that the undertaking, as presently proposed, will affect no historic properties.

Thank you for considering historic properties during your project planning. If you have any questions or concerns, please contact John Thomas, State Historian II, of my staff at (916) 653-9125 or at jthom@ohp.parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation